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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,893

09/22/2006

Shaun Patrick Rymer

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EXAMINER

SHARPE, DANIEL T

ART UNIT

PAPER NUMBER

4156

MAIL DATE

DELIVERY MODE

11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,893	Applicant(s) RYMER ET AL.	
	Examiner Daniel T. Sharpe	Art Unit 4156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/24/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Cps is not a standard abbreviation of centipoise. Please use centipoise, cP, or cps.

Appropriate correction is required.

2. Claims 9 and 12 objected to because of the following informalities: Cps is not a standard abbreviation of centipoise. Please use centipoise, cP, or cps. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller (US 5458262).

Keller '262 discloses:

A bottle for dispensing two liquids, the bottle comprising two reservoirs(17 and 18), one for each liquid, a nozzle(13) through which the liquids are dispensed from the bottle, a passageway from each reservoir leading out of the nozzle(A and B), and a deflector plate(21) between the two passageways(A and B) and projecting from the end of a nozzle(13) in a direction substantially parallel to the direction of flow from the nozzles thereby causing the liquid leaving one passageway(A or B) to be deflected towards the liquid leaving the other

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passageway(B or A) so that the two liquids first mix once they have passed the deflector plate(21).

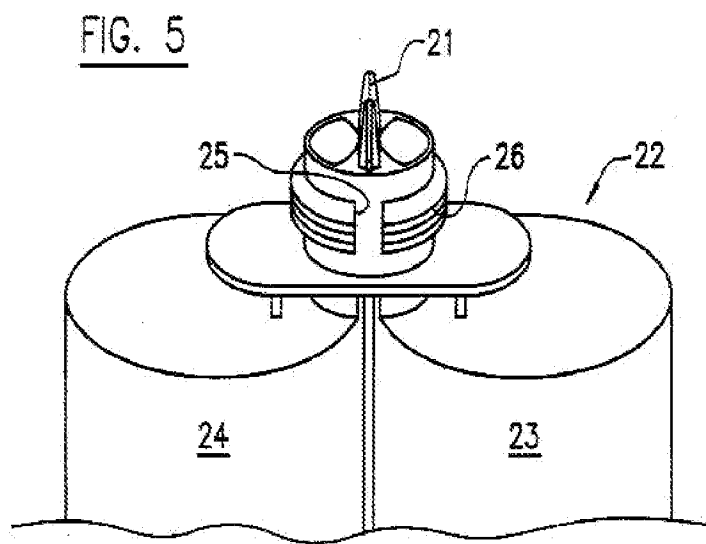
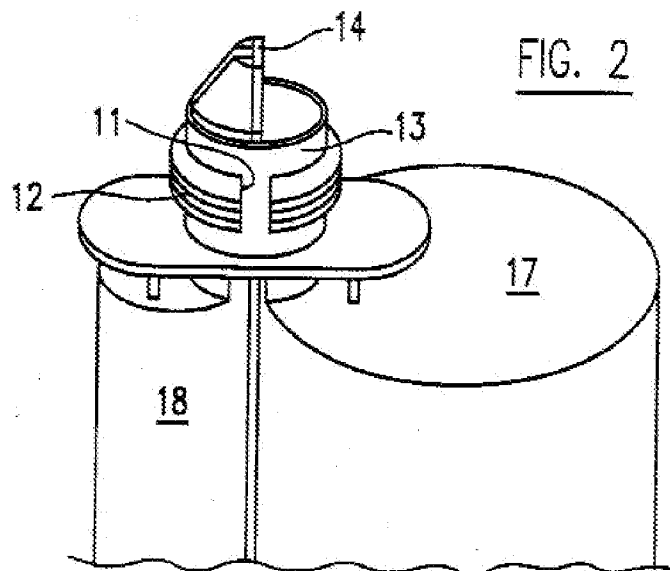
A bottle according to claim 1, wherein the passageways(A and B) are arranged in a side-by-side relationship.

A bottle according to claim 1, wherein a single deflector plate(21) is arranged to deflect the liquid from both passageways(A and B).

A bottle according to claim 1, wherein the free end of the deflector plate(21) is tapered in the direction of flow.

A bottle according to claim 1, wherein the two passageways(A and B) are substantially parallel in the nozzle(13).

A nozzle(13) through which two liquids are dispensed, the nozzle(13) being provided with two passageways(A and B) and a deflector plate(21) in the nozzle(13) between the two passageways(A and B) and projecting from the end of the nozzle(13) thereby causing at least one of the liquids leaving the passageways(A and B) to be deflected towards the other so that the two liquids first mix once they have passed the deflector plate(21).



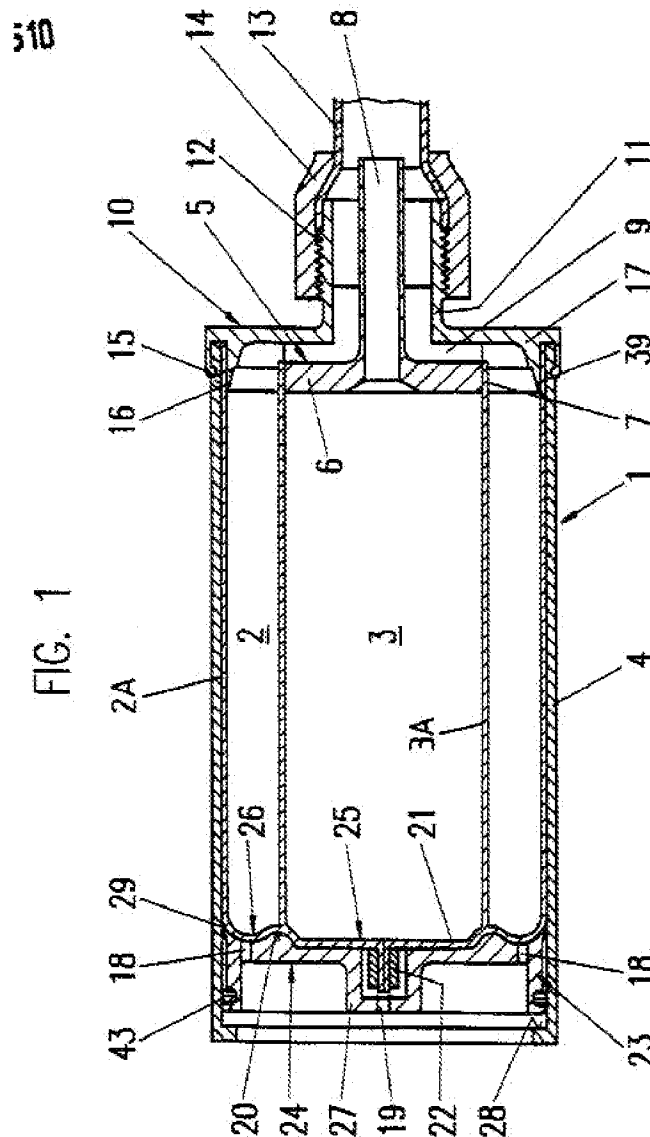
3. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Keller (US 5647510).

Keller '510 discloses:

A bottle(1) for dispensing two liquids, the bottle comprising two reservoirs(2 and 3), one for each liquid, a nozzle(13) through which the liquids are dispensed from the bottle, a passageway from each reservoir leading out of the nozzle(8 and 11), and a deflector plate(8) between the two passageways(8 and 11) and projecting from the end of a nozzle(13) in a direction substantially parallel to the direction of

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flow from the nozzles thereby causing the liquid leaving one passageway(8 or 11) to be deflected towards the liquid leaving the other passageway(8 or 11) so that the two liquids first mix once they have passed the deflector plate(8).
A bottle according to claim 1, wherein only one passageway(11) is provided with the deflector plate(C).



4. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Bergman (US 4240566).

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Bergman discloses:

A bottle(10) for dispensing two liquids, the bottle comprising two reservoirs(28 and 30), one for each liquid, a nozzle(18) through which the liquids are dispensed from the bottle, a passageway from each reservoir leading out of the nozzle(32 and 34), and a deflector plate(26) between the two passageways(32 and 34) and projecting from the end of a nozzle(18) in a direction substantially parallel to the direction of flow from the nozzles thereby causing the liquid leaving one passageway(32 or 34) to be deflected towards the liquid leaving the other passageway(34 or 32) so that the two liquids first mix once they have passed the deflector plate(26).

A bottle according to claim 1, wherein each passageway has its own deflector plate (108a and 108b).

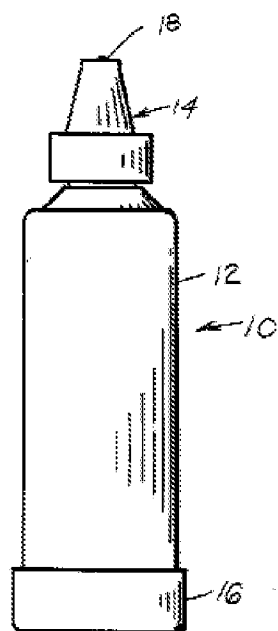


FIG. 1

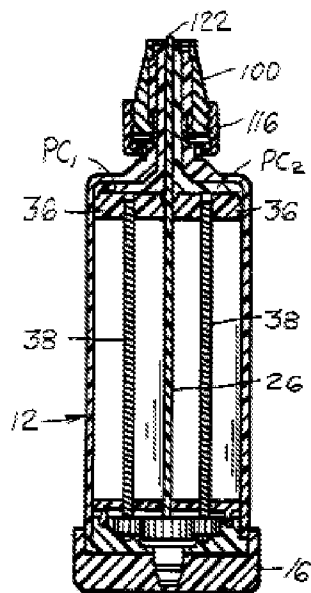


FIG. 5

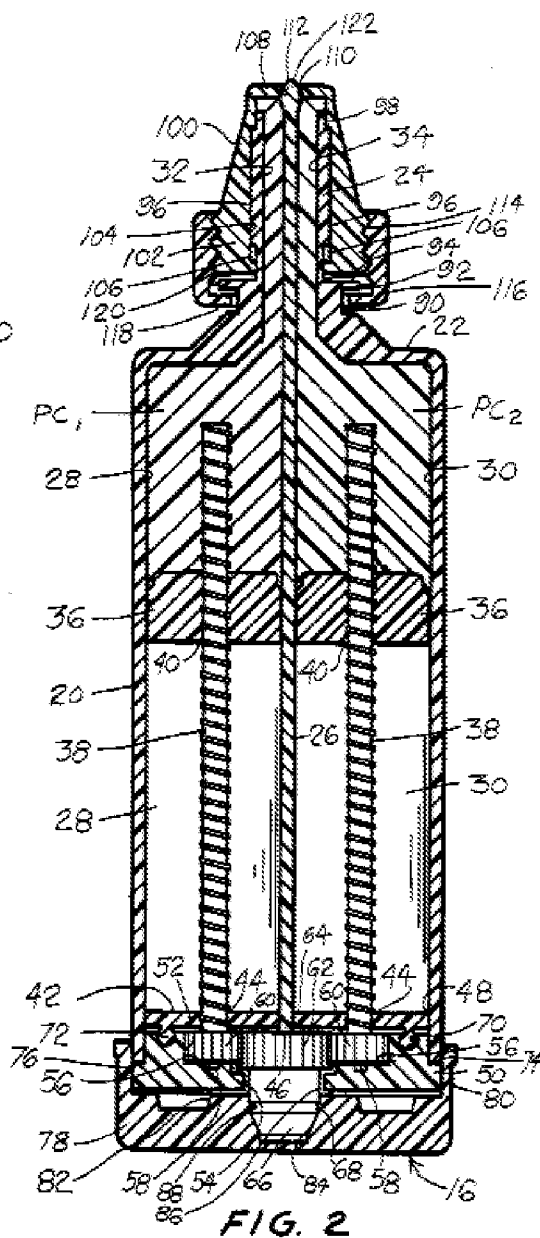


FIG. 2

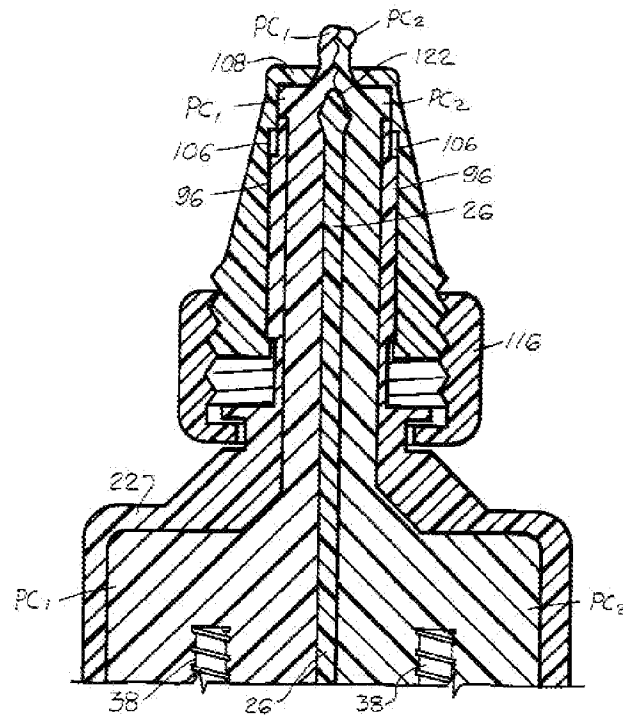


FIG. 3

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

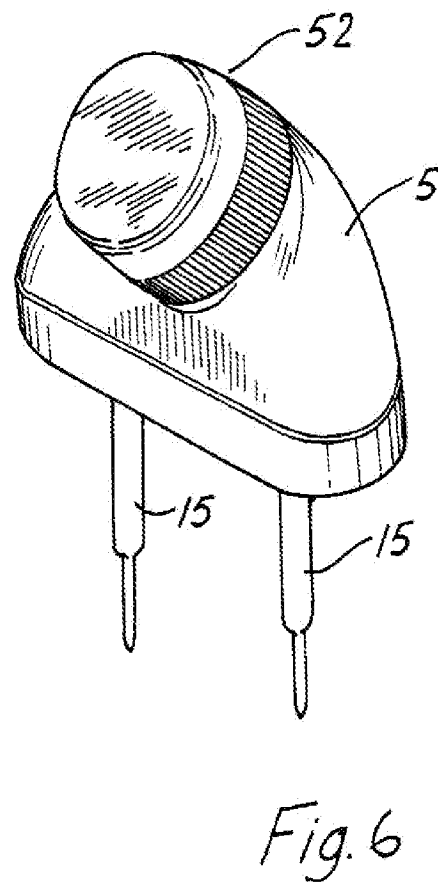
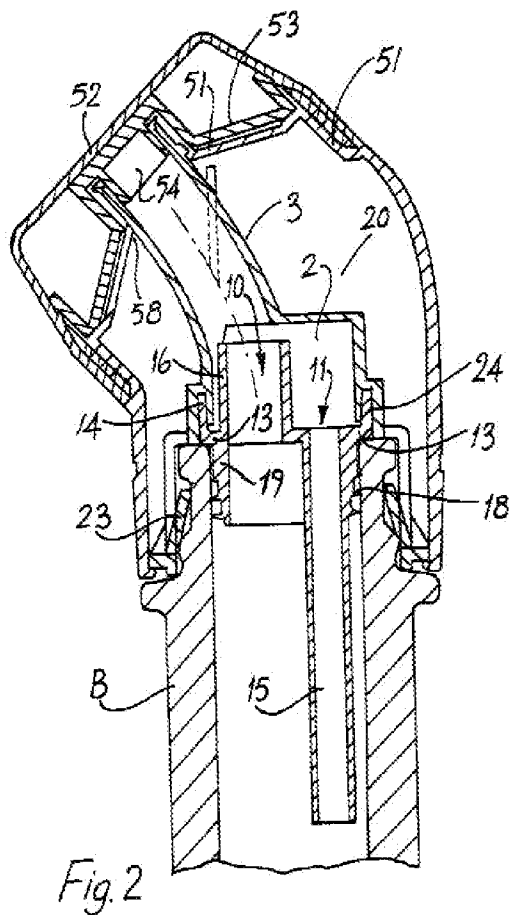
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller (US 5458262) in view of Dubach (US 6439433).

Keller '262 discloses all of the elements of claim 8 except for a nozzle angled in respect to the main axis of the bottle. Dubach teaches the angling of the nozzle with respect to the container axis.



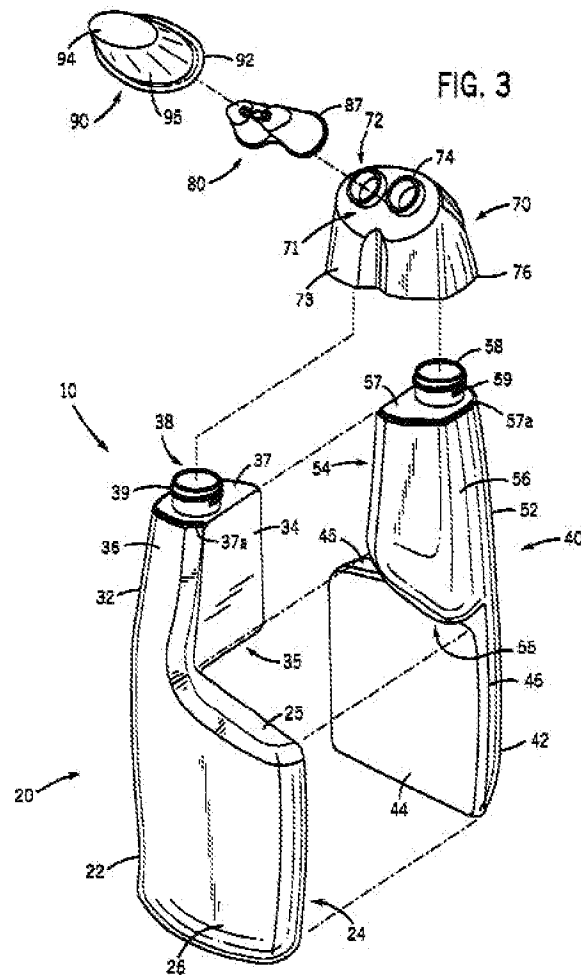
It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the container of Keller '262 with the angled neck of Dubach for

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the predictable result of directing the stream of mixed liquid to be directed at an predetermined angle to the bottle's axis.

8. Claims 9, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller (US 5458262) in view of Conway (US 6758411).

Keller '262 discloses all of the elements of claims 9, 10, and 12 except for the viscosities of the liquids to be used and the use of a detergent in the device. Conway teaches the use of low viscosity fluids in such a bottle, as well as teaching the use of such a bottle for dispensing a two part detergent solution.



In column 1 lines 26-28, Conway teaches “an aqueous liquid detergent composition that is prepared and delivered from a dual-compartment container”. In column 15 lines 51-54, Conway provides “for example, viscosities of 10-30 centipoise when measured with a Brookfiels viscometer...are suitable”.

It would have been obvious to one having ordinary skill in the art at the time of the invention to try using the bottle of Keller '262 with the fluids explicitly taught by Conway. It would produce the predictable result of providing a more complete and efficient mixing for the fluids.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Staheli(US 4690306) discloses a multichambered device for applying and storing one or more substances.
- Ernst(US 4771919) discloses a device with two chambers and a mixing nozzle.
- Ball (US 5102016) discloses a dispenser for applying two flowable materials through a common spout.
- Kaylor (US5492276) discloses a method for merging a plurality of liquid streams.
- Heusser (US 6161730) discloses an apparatus for carrying out a mixing dispensing of a plurality of flowable components from a multiple chambered vessel

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel T. Sharpe whose telephone number is 571-270-3766. The examiner can normally be reached on M-F (alt F off) 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel T Sharpe
Examiner
Art Unit 4156

/DAVID J ISABELLA/Supervisory Patent Examiner, Art Unit 4156